

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN AND JANE DOE NO. 1, et al.,	:	CASE NO. 3:22-cv-00337
	:	
	:	
Plaintiffs,	:	JUDGE MICHAEL J. NEWMAN
	:	
vs.	:	
	:	
BETHEL LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, et al.,	:	
	:	
	:	
Defendants.	:	

SECOND DECLARATION OF JULIE E. BYRNE

I, Julie E. Byrne, declare:

1. My name is Julie Elizabeth Byrne. I am over the age of 21 and fully competent to make this declaration.
2. I have personal knowledge of all of the facts stated in this declaration, and my statements in this declaration are true and accurate to the best of my knowledge, information, and belief.
3. I am an attorney at Ashbrook Byrne Kresge LLC and in that capacity, I represent the plaintiffs in the above captioned case.
4. I provided the prior Declaration dated January 23, 2023 (Doc. 37-1).

5. On or about September 13, 2022, I made a public records request to the Bethel Local School District using their online public record request form, <https://docs.google.com/forms/d/e/1FAIpQLScjHlti0f-DTut3BgKc0Quy8eJ-O-BJ3uDxDVge3O4z7l3I1A/viewform>, which is linked on the Bethel Local Schools public records requests webpage, located at <https://www.bethel.k12.oh.us/page/public-records-requests> (the "Public Records Request").

6. On October 11, 2022, nearly a month after I originally submitted my Public Records Request, I received multiple emails from an email address hagemant@blsk12.org with multiple attachments. The email signature line identified the sender as Tina K. Hageman, the Treasurer/CFO of Bethel Local Schools.

7. Exhibit A is a true and correct copy of one of the attachments Ms. Hageman attached to an email to me on October 11, 2022 at 1:46 PM in response to my Public Records Request regarding the present bathroom issue; in her original email it was attached as "22.pdf."

I declare under penalty of perjury that the foregoing is true and correct.

2/16/23
Date



Julie E. Byrne

EXHIBIT A

Re: FYI.....

kingj@blsk12.org Jacob King
To: reesej@blsk12.org Julie Reese

Monday, December 6, 2021 at 7:14:03 PM Eastern Standard Time

Julie,

John has given his opinion on the issue to Justin and he will provide it to us tomorrow. In just legally we have to allow it. Justin can make the change internally to policy and procedures.

He will also discuss tomorrow.

Thank You,

Jacob King, President

Board of Education

Bethel Local Schools

Cell:937-750-8316

***NOTICE: THIS EMAIL MAY BE SUBJECT TO
DISCLOSURE UNDER THE PUBLIC RECORD LAWS
OF THE STATE OF OHIO***

On Dec 6, 2021, at 2:01 PM, Julie Reese <reesej@blsk12.org> wrote:

Hey Jacob,

Can we get a final ruling from John? I was pretty unclear as to what we legally had to do or not do, because I swear he said that many cases were in the pipeline and hadn't been ruled on yet. Maybe we can cite whatever the current law is and be consistent with it?

Maybe Lydda could [REDACTED] just to get some feedback? If the students don't care (as much as the parents might), at least we could make that statement at a BoE meeting. Also, what are other schools currently doing and what do they see as the pros/cons to their policy? More info we could cite at a BoE meeting to support any policy we put in place.

I'm not sure I understand the statement about having to hold it because classes aren't near the teacher bathrooms. I can't think of anyplace in the school where you have to walk a much greater distance to get to a teacher bathroom than to a student bathroom (but maybe I am missing somewhere). I do understand the having to wait on teachers using them - [REDACTED]

On Mon, Dec 6, 2021 at 9:40 AM <kingj@blsk12.org> wrote:

Justin,

Per our last conversation the request was:

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Thank you,
Julie Reese
Board of Education, Vice President
512-632-9310 (cell/text)
reesej@blsk12.org

"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety" -- Benjamin Franklin